

IN THE SENATE OF THE UNITED STATES.

MARCH 6, 1860.—Ordered to be printed.

Mr. CLAY submitted the following

REPORT.

*The Committee on Pensions, to whom was referred the petition of Lemuel Worster, praying a pension on account of a disability incurred while employed as a waiter to a militia officer in the United States service, during the last war with Great Britain, having carefully examined the same, beg leave to report:*

That said petition has been before Congress during several of the past sessions, and upon which favorable reports have been made, but upon examining carefully the evidence, your committee perceive that the petitioner prays a pension on account of disease contracted while employed as a *waiter* to an officer in the war of 1812; that during employment as aforesaid, he was taken sick of the "spotted, or camp fever," from the effects of which he has lost the sight of one eye entirely, the faculty of speech gone, that he is perfectly deaf, and all hopes of his usefulness or happiness in life utterly destroyed.

There is no evidence from the rolls to show that the petitioner was ever detailed as waiter, (according to the testimony he was then but twelve years of age,) nor is there any evidence before the committee showing the names of those officers, or other witnesses, who have given their affidavits in the case, were officers, or in a position to know the facts about which they testify.

The committee therefore recommend that the prayer of the petitioner be denied for the reasons above stated.

Your committee also state that the general statutes granting pensions do not recognize any claims of this character. It is a condition of the invalid pension system that its benefits shall be extended to those only who have been disabled by wounds or disease while in the line of their duty in the army or navy of the United States, and not to employés of officers or soldiers of the army. The petitioner was neither a volunteer or drafted soldier, but the servant of an officer. He was employed and paid to serve an individual and not the country. He incurred no privations or perils, and rendered no service or duty to the government. The committee would not recommend so wide a departure from the principles and policy of the pension system if the statements of the petitioner were fully proved. It would be a precedent for other civil pensions, which might soon create a system, which cannot now, probably, find a single advocate in the Senate.

THE SECRETARY OF THE INTERIOR

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Washington, D.C.

My dear Sir:

I have the honor to acknowledge the receipt of your letter of the 10th inst.

in relation to the proposed sale of the public lands in the State of California, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,  
Your obedient servant,  
J. M. Smith

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